



FREDERICK COUNTY PLANNING COMMISSION

May 10, 2017

TITLE: Linganore Town Center PUD

FILE NUMBER: S-829, AP 17198, APFO 17199, FRO 14681, SWM 14679

REQUEST: **Combined Preliminary/Site Development Plan Approval**

The Applicant is requesting a revision to a previously approved Combined Preliminary/Site Development Plan to replace 110 2-over-2 condo units with 55 townhouse units, and modify the previously approved road section of Eaglehead Drive as well as the light pole height along Eaglehead Drive and Linganore Boulevard. All other aspects of the previously approved Combined Preliminary/Site Development Plan remain unchanged.

PROJECT INFORMATION:

ADDRESS/LOCATION: 5715 Eaglehead Drive, located along Old National Pike, west of Yeagertown Road

TAX MAP/PARCEL: Tax Map 79, Parcels 6 & 17

COMP. PLAN: Low Density Residential

ZONING: Planned Unit Development

PLANNING REGION: New Market

WATER/SEWER: W-3/S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: Oakdale Investments, LLC.

OWNER: Oakdale Investments, LLC.

ENGINEER: Rodgers Consulting, Inc.

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit 1- Linganore Town Center Revision Site Plan Rendering

Exhibit 2- Light Pole Height Modification Request

Exhibit 3- Eaglehead Drive Cross Section Revision Rendering

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting a revision to a previously approved Combined Preliminary/Site Development Plan to replace 110 2-over-2 condo units with 55 townhouse units, and modify the previously approved road section of Eaglehead Drive as well as the light pole height along Eaglehead Drive and Linganore Boulevard. All other aspects of the previously approved Combined Preliminary/Site Development Plan remain unchanged. The proposed housing type replacement reduces the overall density of the Project by 55 units. All other aspects of the previously approved Combined Preliminary/Site Development Plan remain unchanged. The following details the changes proposed to the Plan:

		<u>Approved</u>	<u>Proposed</u>
• Single-family detached:		136 units	
• Single-family detached Total	136 units		
• Townhouse, Front Load Integral		174 units	
• Townhouse, Rear Load Integral		207 units	55 units
• Townhouse, Rear Load detached		38 units	
• Townhouse, Surface Parked		157 units	
• Townhouse Total	631 units		
• Multifamily Apartment: 1 bedroom		70 units	
• Multifamily Apartment: 2 bedroom		203 units	
• Multifamily Apartment: 3 bedroom		49 units	
• Multifamily Condo: 2 bedroom		48 units	
• Multifamily Condo: 3 bedroom		48 units	
• Condominium/Apartment Total	418 units		
• Overall Total	1,185 units		
• Commercial Use Parcel:		12.8 acre parcel	
• Community Center and Pool		1.85 acre parcel	

The Commercial Parcel and Community Center and Pool will be subject to a separate site plan review process at a later date.

The Project is subject to the requirements of the Frederick County Code, specifically Chapter 1-16 Subdivision Rules and Regulations for the Preliminary Subdivision Plan review, and Section 1-19-3.300 through 1-19-3.300.4 for the Site Development Plan review. The Site Plan portion of the Project is being reviewed as "Townhouses" and "Multifamily dwellings" under the use heading of *Residential* per §1-19-5.310 Use Table in the Zoning Ordinance, which are principal permitted uses in the Planned Unit Development (PUD) Zoning District subject to site development plan approval. The property is part of the larger Linganore PUD.

The Project shall also comply with Section 1-19-10.500.6, *Land Use, Mixture, and Design Requirements within the PUD District* and 1-19-10.500.9 *General Development Standards with the Planned Development Districts* within the Zoning Ordinance.

Previously Approved Modification Requests (AP 14678)

- Parking Space Number & Distribution
- Parking Lot Standards
- Lot Dimensional Requirements
- Building Height Requirements
- Landscape Standards
- Landscape Canopy Coverage

Proposed Modification Request (AP 17198)

- Light pole Height, see Exhibit #2

BACKGROUND

Development History

The subject property is zoned Planned Unit Development (PUD). The PUD zoning was applied to the majority of the site (all except what is currently proposed as the northern land bay) in 1968 and has maintained that zoning. The area that is referred to as the northern land bay in the current application received the current PUD zoning in 2013 (Ordinance #13-14-642).

A revised Phase II Plan for the entire Linganore PUD, including the Town Center, was submitted in 2003, and conditionally approved by the Planning Commission on January 14, 2004 with outstanding issues (MPDU, FRO, Transportation, Water/Sewer) to be discussed in a series of subsequent workshops. Eventual Phase II approval for Lake Linganore was granted on November 5, 2007 (at that time, a Phase II PUD Plan was a 'concept' plan, and PUD Phase III referred to a Preliminary Subdivision Plan or Site Development Plan). The 2007 Phase II PUD Plan included a range of 1,200—2,000 dwelling units for the Town Center.

The current application is being reviewed based on the current PUD provisions in section 1-19-10.500 of the Zoning Ordinance.

In 2013, as part of the PUD Phase I rezoning approval for lands within the Linganore Community Growth Area a Development Rights and Responsibilities Agreement (DRRA) and Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU) were approved for the entire Linganore PUD, including the Town Center. The 2013 DRRA and LOU include infrastructure improvements—roads, water/sewer—required for development of all remaining villages within Linganore, including the Town Center.

On January 14, 2015, the Frederick County Planning Commission approved a Combined Preliminary/Site Development Plan for one commercial lot, 1 lot for a community center/pool, and 1,240 residential units, comprised of 136 single family detached, 576 townhouses, 322 multifamily apartments, 96 multifamily condos, and 110 2-over-2 condos on a 240.8-acre site.

In accordance with the most recently approved Letter of Understanding (LOU) the APFO approval is valid until July 11, 2038. Therefore, the Preliminary Plan is valid until January 14, 2020 and the Site Development Plan is valid until January 14, 2018.

Existing Site Characteristics

The site is vacant with forested lands, steep slopes, the former alignment of Eaglehead Drive, and a tributary creek to Lake Linganore. See Graphic #1.

The site borders the proposed Oakdale Village project (to the west) which is zoned Mixed Use (MX), as well as the existing R-1 district on both sides of Yeagertown Road to the east. See Graphic #2. The property to the north of the site is a vacant and undeveloped tract within the Lake Linganore PUD. The property to the south is the site of Oakdale High School.

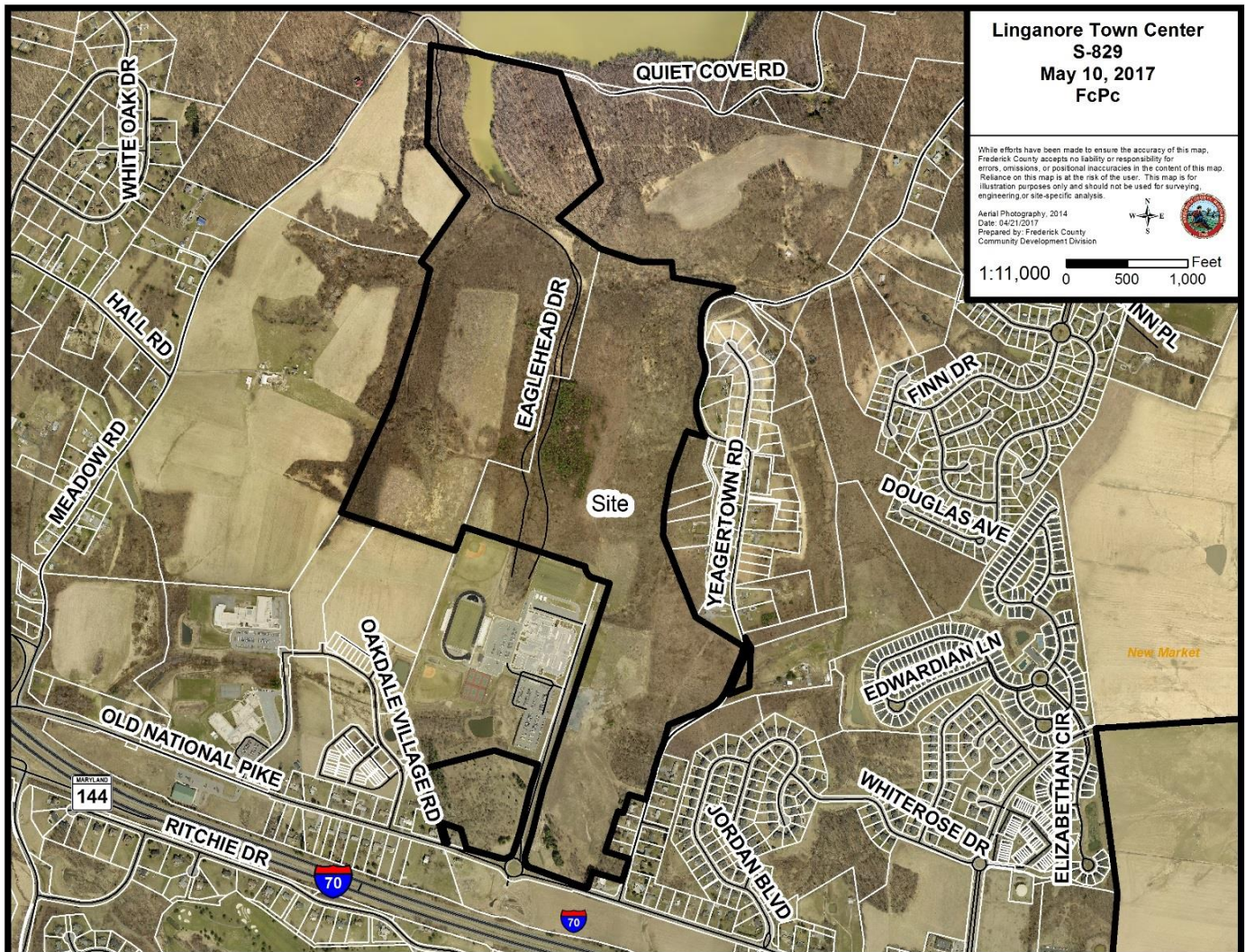
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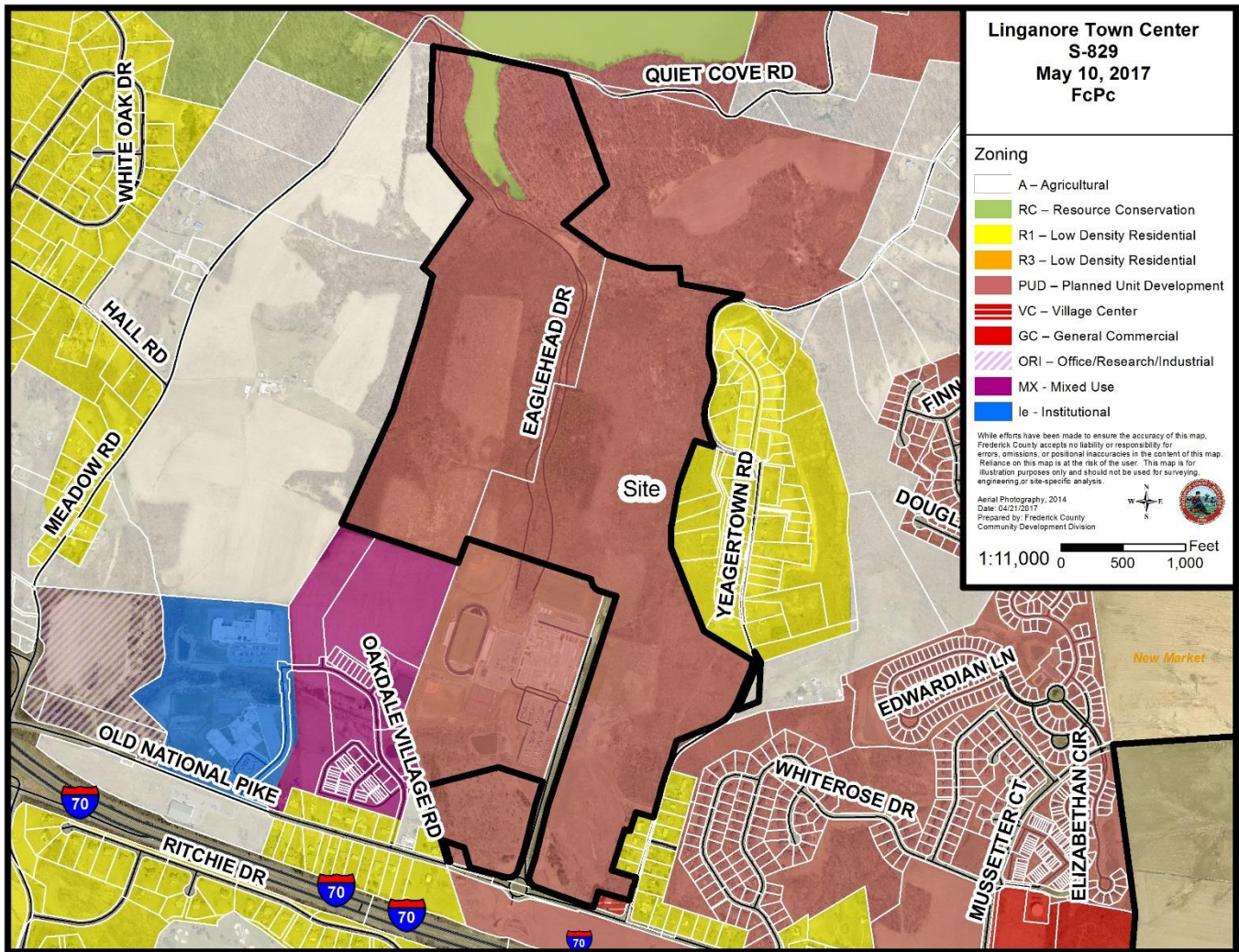
The northern portion of the site contains a second order tributary of Lake Linganore. There are three fingers of NRCS Flooding Soils that run south from this tributary. Two of the fingers are Greenville loam 2 to 5 percent slopes (GvB), with the third as Roche loam 3 to 8 percent slopes (RoB).

The three fingers of flooding soils are located in the lowest areas of the site. This creates two principal areas of developable land which comprises slight to moderate slopes, with some areas of steep slopes in excess of 25%. The two areas of developable land have a topographic elevation range of 430 feet at the far eastern side, to 520 feet as the land continues west, with the former Eaglehead Drive at 400 feet elevation. The topography of the second developable area continues to rise out of the former road bed to the west to a elevation height of 500 feet, then back down to 380 at the western property boundary.

Graphic #1: Linganore Town Center Site Aerial



Graphic #2: Linganore Town Center Site Zoning



ANALYSIS

Summary of Development Standards Findings and Conclusions

General Site Development, Layout and Design

The 1,185 unit development is split into four land bays (North, South, East and West). The residential portion includes Parcel 1 and Parcel 2 in the southern area of the site. The previously approved plan includes a 12.8 acre commercial lot located on the western corner of Old National Pike and Eaglehead Drive that will be subject to a separate site development plan review process.

Parcel 1 is located on the corner of Eaglehead Drive and Old National Pike, and comprises twelve (12), 3 story/4 story split (1, 2, & 3 bedroom) apartment buildings, with a combined total unit count of 322.

Parcel 2 is located at the corner of Eaglehead Drive and the proposed Hopewell Street. Hopewell Street will connect Eaglehead Drive with Yeagertown Road. Parcel 2 comprises six (6), 16 unit 2 and 3 bedroom condominium buildings, with a combined total unit count of 96.

The North Land Bay is located at the end of Eaglehead Drive (extended) and borders Lake Linganore. The North Land Bay comprises 88 townhouse dwelling units. No unit modifications are proposed to this land bay.

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The revised South Land Bay is located to the north of Parcel 2, and is comprised of 258 dwelling units all of which are townhouses, and eliminates all of the previously approved 2/2 condo units in this land bay.

The revised East Land Bay is directly north of the South Land Bay, and is comprised of 186 dwelling units consisting of 120 townhouses, 66 single family detached dwellings, and eliminates all of the previously approved 2/2 condo units in this land bay.

The West Land Bay is located to the west of the East Land Bay along the Town Center Connector (TCC), and comprises 235 dwelling units consisting of 165 townhouses and 70 single family detached dwellings. No unit modifications are proposed to this land bay.

The main access point to the Linganore Town Center will be located at the existing intersection of Eaglehead Drive and Old National Pike. The Project is proposing an east-west road, named Hopewell Street that will travel between Parcel 1 and Parcel 2 providing a connection from the Oakdale Village development, crossing Eaglehead Drive, to Yeagertown Road.

The proposed Hopewell Street is also planned to travel west from the intersection at Eaglehead Drive along the northern side of the 12.8 acre commercial site. This proposed roadway is currently proposed in an alignment that crosses over Board of Education (BOE) land. The Applicant is currently in negotiations with the Board of Education to gain final approval for the use of the BOE land.

The Town Center Connector (TCC) is a future minor arterial in compliance with the Comprehensive Plan. The TCC is proposed to travel in an easterly direction from the Meadow Road interchange, along the north side of Oakdale Elementary and Middle School sites and the proposed Oakdale Village MX project.

Eaglehead Drive is proposed to be widened and extended past Oakdale High School to intersect with the TCC. Eaglehead Drive is then proposed to extend north from the TCC along the historic Eaglehead Drive road bed and will provide access to the North Land Bay

The proposed Oakdale Village will also access the TCC as well as a small townhouse cluster, part of this Project, located south of the West Land Bay.

Eaglehead Drive is ultimately planned to travel west around the south shore of Lake Linganore in order to intersect with Quinn Road, and ultimately to a re-constructed bridge over Lake Linganore. The revised Combined Preliminary/Site Development Plan does not propose any revisions to the previously approved access points. The revised plan does however propose changes to the previously approved lane widths, parallel parking and bike lanes along Eaglehead Drive from Old National Pike to the northern roundabout located at Lake Linganore Boulevard, which is discussed in more detail below.

Detailed Analysis of Findings and Conclusions

COMBINED ANALYSIS OF SUBDIVISION AND SITE DEVELOPMENT PLAN REVIEW

Preliminary Subdivision Plan approval is granted based upon the requirements found in Chapter 1-16 of the Frederick County Code. Site Development Plan approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria as well as the PUD review criteria listed in §1-19-10.500 of the Frederick County Zoning Ordinance. In accordance with DRRA Section 2.3(E), the Applicant has provided a summary of the Linganore Town Center Community Design Guidelines based on the applicable Frederick County Community Design Guidelines and Development Principles.

SITE DEVELOPMENT

□ Land Requirements §1-16-217(A) & (B)

The land use pattern of the comprehensive development plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.

The designated land use in the County Comprehensive Plan for the site is Low Density Residential, which is designed to accommodate a mixture of low to medium intensity residential, commercial, or civic uses within Community Growth Areas. The gross density of the Project is five (5) dwelling units per acre and includes a variety of housing types permitted in the PUD zoning district, including, multi-family apartments, condominiums, townhomes and single-family homes. The Project is designed with efficient transportation, access, connectivity, and internal circulation within an area indicated for growth and development on the Comprehensive Plan.

The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.

The Project respects its orientation around the stream and its large floodplain area (including flooding soils and wetlands) and enhances these natural systems through Forest Resource Ordinance (FRO) mitigation plantings. The proposed development will be well integrated with surrounding land uses and future adjacent uses through complimentary vehicular and pedestrian connectivity. The Project adheres to the Linganore Watershed Protection Area water body buffer requirements as outlined in the DRRA. Although the Linganore Watershed Protection Area specific provisions, as adopted in ordinance 7-24-464 and expanded in ordinance 8-21-497 were subsequently deleted from the zoning ordinance, the DRRA subjects the Linganore PUD (including the Town Center) to these regulations.

□ Block Shape §1-16-218

The maximum block dimension shall be 1,800 feet.

No block dimension is greater than 1,800 feet. The Project provides for multiple housing styles and the location of open space creates variety in the arrangement and size of the various blocks throughout the development.

□ Lot Size and Shape §1-16-219

The size, width, depth, shape, orientation and yards of lots shall not be less than specified in the zoning ordinance for the district within which the lots are located and shall be appropriate for the type of development, the use contemplated and future utilities.

The Applicant is not requesting any changes to the previously approved development standards for lot area, lot width, front, side, and rear yard setbacks as which were approved consistent with the PUD district per section 1-19-10.500.9 as well as 1-19-10.500.6 (H) 2. In accordance with section 2.3(D) of the DRRA, maximum height for single family residential (SFR) units is 50' and 120' for multifamily structures. Maximum building footprint for SFR structures is 7,000 square feet, 4,000 square feet for townhouses, and 100,000 square feet for multifamily structures. The final height and size of all structures shall be determined by the Planning Commission at the time of Preliminary Plan or Site Plan Review process.

The Applicant has submitted the following dimensional requirements for the FCPC for review and approval.

Lot Type	House			Front Porch		Height
	Front	Rear	Side	From Street	Side	
Single Family Detached Front Loaded (1)	20' (1)	20'	5'	10'	5'	40'
Townhouse Front (1) Loaded Integral Garage	20' (1)	20'	5'	-	-	45'
Townhouse Rear Loaded Integral Garage	10'	20'	5'	-	-	45'
Townhouse Rear Detached Garage	10'	5' (2) 20' (3)	5'	-	-	45'
Townhouse Standard Surface Parking	10'	20'	5'	-	-	45'
Multi-Family Apartment	10'	10'	10'	-	-	60'
Multi-Family Condo	10'	10'	10'	-	-	60'

1. 23' required setback from face of garage to lot side of sidewalk.
2. Rear BRL for detached garage.
3. Rear BRL for main structure.

The previously approved do not exceed the maximums provided within the DRRRA and enable the Applicant to provide for diversity in unit type while addressing environmental challenges on-site, foster design excellence and promote efficient land use and densities, provide for efficient street layout, building scale and orientation, and block configuration.

- **Site Development §1-19-3.300.4 (A):** Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

The proposed development is situated within the Linganore Community Growth Area, surrounded by three public schools and lands planned for future commercial, employment uses and residential development.

Signage §1-19-6.320.11: The previously approved Plan proposed a community identification sign. No changes are proposed to the previously approved sign information. The sign shall adhere to the requirements of Z.O. 1-19-6.320.11. The final design and placement of the sign will be subject to further review at the sign permit stage. There are no changes to the previously approved signage proposed as part of this plan revision.

Landscaping §1-19-6.400: The Applicant has provided a landscaping plan in accordance with Z.O. Section 1-19-6.400. The plan proposes a mix of evergreens and deciduous trees. The site is designed with a variety of plant species. There are no changes to the previously approved landscaping plan proposed as part of this plan revision.

During the January 14, 2015 approval the application received a modification to the landscape standards in order to reduce the planting panel width between the curb and sidewalk from the required 7 feet to 5 feet, and to permit the plantings of street trees in alternate locations in order to meet the required planting of 1 tree for every 35 feet of roadway frontage. Based on 31,625 +/- feet of public private roadway and the PUD street tree planting policy of 1 tree per 35 feet of road, the **total number of trees required is 31,625/35=904 trees**. The plan proposes 525 trees along public/private roads and parking areas, 216 trees within the HOA open space parcels, and 555 trees on-lot for a **total provided of 1,295 trees**.

The proposed 5 foot minimum landscaping panel provides an adequate area to promote the growth and maintenance of the street tree species specified on sheet 101 of 106. The previously approved alternate planting design (which wherever not in conflict with utilities (water/sewer/storm drain), streetlights or vehicle site distance), proposes to plant approximately 525 trees along both sides of the public and private roads at a spacing of approximately 60 feet, and at all other locations where there is a planting opportunity within the public right-of-way and private road parcel. The proposed alternate landscape design is necessary as a result of the conflicting goals and design policies of the various county agencies including Planning, Engineering, and DUSWM.

The Applicant also previously received a modification of the 20% canopy coverage requirement listed in Section 1-19-6.400.D.2 for Parcel 1, which is located at the corner of Old National Pike and Eaglehead Drive. The modification is to provide 15.65% of canopy cover over the parking areas, rather than the required 20%.

Lighting §1-19-6.500: The Applicant has prepared a lighting plan, in accordance with the requirements of Z.O. §1-19-6.500. All of the proposed street and site lighting shall contain cutoffs to minimize lateral and upward glare. The lighting plan adheres to the requirements of §1-19-6.500. The Applicant is seeking a lighting pole height modification in accordance with §1-19-6.500.(B)(1), to increase the height of the light poles within the proposed median of Eaglehead Drive and Lake Linganore Boulevard from the required 14' feet tall to a proposed 25' feet tall, see Exhibit #2. The Applicant states that the taller pole heights within the medians of the 2 major divided roads will provide the appropriate lighting coverage. The remaining light poles throughout the PUD will remain at the previously approved 14' maximum height from the ground to the point of illumination.

Findings: Based upon the review and analysis as provided above, staff finds that the proposed application will meet the subdivision regulations contained in Chapter 1-16 of the Frederick County Code. If the lighting modification is granted, this Project will also meet the site plan review criteria in §1-19-3.300(A) as well as the PUD review criteria listed in §1-19-10.500 of the Zoning Ordinance. The Project meets the regulations set forth in the Oakdale DRRA, dated 7/11/2013.

Conditions

- Planning Commission approval of the requested light pole height modification in accordance with Section 1-19-6.500.(B).(1) to increase the height of the light poles within the proposed medians of Eaglehead Drive and Lake Linganore Boulevard from the required 14' feet tall to a proposed 25' feet tall.

TRANSPORTATION AND PARKING

□ *Street, Common Driveway and Sidewalk Construction §1-16-109*

The project shall provide for the complete construction of street improvements, including drainage facilities as provided in §1-16-234 through §1-16-241 of the Subdivision Regulations and in accordance with the Frederick County Design Manual.

The Plan proposes sidewalks 8-ft and 5-ft in width with well-placed and marked street crossings. The sidewalk network provides safe and efficient internal pedestrian mobility as well as facilitates movement to and from adjacent land uses. Sidewalks are provided to link the Project to Oakdale High School, as well as pedestrian connections from the Project site into the proposed Oakdale Village site, which leads to the middle and elementary schools, via an existing sidewalk on the west side of the school access road that accesses Old National Pike.

□ *Right of Way and Paved Surface Widths §1-16-235*

Whenever a proposed subdivision includes or abuts streets designated on the Highway Plan section of the Comprehensive Plan, the Planning Commission shall require, by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing, planned or platted roads.

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The Comprehensive Plan depicts a general alignment of the TCC through the Town Center on the north side of Oakdale High School. This planned future minor-arterial roadway includes a 100-ft. right-of-way on which a divided road section will be built and a 100-ft. right-of-way, north of Phase 1.2, as shown on the proposed Plan. The 100-ft. right-of-way shall be labeled as "Reservation for future 100-ft Town Center Connector Right-of-Way, to be conveyed at no cost to those who construct it" on the final approved Combined Preliminary Plan/Site Development Plan and on final plats to be recorded. Future, detailed alignment studies for the Town Center Connector will determine the extent of this roadway's location on the Project site, which would be dedicated instead of reserved if those studies would be completed prior to final plat recordation.

The Project proposes both public roads and private streets and alleys. Right-of-way widths for all public roads are the standard for local roadways as indicated on the Comprehensive Plan. Public and private roads include pavement widths of 20ft., 21ft., 22 ft., and 28 ft. On-street, parallel parking dimensions measure 8 ft. by 22 ft. Private alleys are shown with 16 feet of paved travel surface.

□ **Other Street Requirements. Development on Dead End Streets §1-16-236 (K):**

(K) *Subdivisions on cul-de-sac or dead end streets shall be permitted only if approved by the Planning Commission (or county staff) in accordance with this division, the Design Manual, and the following provisions, as applicable:*

(1) For proposed development on new or existing cul-de-sac or dead end street(s), except existing dead end streets described in subsection (2) below, the following requirements apply:

(a) Applicant must demonstrate the existence of site specific circumstances that make the design and development of a through street practically infeasible.

(b) In the AG and R-1 zoning district, cul-de-sac or dead end street(s) shall not exceed 1,800 feet in length and shall not serve more than 30 lots, dwelling units, or parcels. The Planning Commission may approve development of a greater number of lots and/or on a longer cul-de-sac or dead end street if the Planning Commission considers the individual property characteristics and the goals and principles of § 1-16-234 as set forth below in § 1-16-236(K)(1)(c).

§ 1-16-236(K)(1)(c). the length of cul-de-sac or dead end street(s) may vary based on the density in the development section or land bay, property shape and size, topography, environmental constraints, lot size, unit types, and proposed land use. The density and length of cul-de-sac or dead end street(s) shall be reviewed by the Planning Commission and approved on a case by case basis.

There are no changes to the previously approved Phasing Plan proposed as part of this plan revision.

The Applicant and Staff worked to develop a Phasing Plan that will provide two points of access for the proposed land bays as the Project moves forward through the development process. However, due to physical site constraints and the lack of approved or existing development, the Phase 3, North Land Bay as depicted on the Phasing Plan currently lacks a second point of access and will therefore be considered a dead end street system. The Applicant has proposed a total of 88 dwelling units to be constructed within this land bay with access only to Eaglehead Drive North or a second public means of access. The proposed land bay would be accessed via a road crossing of the FEMA floodplain with no alternate means of access. Although the subdivision regulations allow the Planning Commission to approve the length of a dead end street system serving more than 30 lots, Staff recommends that no more than 30 lots should be recorded in this land bay prior to a second public vehicle connection being constructed and open to traffic.

- **Transportation and Parking §1-19-3.300.4 (B):** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

The site has access to the arterial road system with future, external connections to the TCC, Oakdale Village and Yeagertown Road via the proposed Hopewell Street as shown on the Plan. As proposed, the roadway connections to adjacent properties will be addressed as the Project moves forward to completion. The proposed road network within Linganore Town Center promotes interconnectedness, will link existing and planned road networks, promote safe and efficient circulation, will allow shared access and circulation between properties and implement the network as provided in the Comprehensive Plan.

Eaglehead Drive

The previously approved street section for Eaglehead Drive (AP 14678) consists of a 100' Right of way (ROW) containing two travel lanes in the north and south bound directions with a hiker/biker path on the west side of Eaglehead and a wide sidewalk on the east side.

The proposed changes to the transportation network within the current plan are from Hopewell Street to Lake Linganore Blvd., within the same 100' ROW and consist of single northbound and southbound lanes and on-street bike lanes. Parallel parking in front of Oakdale High School is increased from 5 spaces along Eaglehead Drive to 22. Parallel parking on the east side of Eaglehead Drive is increased from 11 spaces to 19. These changes were made in consultation with FCPS staff to provide a more complete and safe street for non-motorized traffic, while at the same time leaving open future re-striping options to provide 2 through lanes in each direction, in the unlikely circumstance should the TCC never be fully constructed, See Exhibit #3. A roundabout was added at the main high school access to promote a safer route to school for pedestrians.

Hopewell Street

The proposed Hopewell Street is planned to travel west from the intersection at Eaglehead Drive along the northern side of the 12.8 acre commercial site. The dedication and financial guarantee of this western leg of Hopewell Street shall be concurrent with the development of the eastern leg of Hopewell that connects Eaglehead Drive to Yeagertown Road. The Phasing Plan shows this western leg of the route with a brown dashed line. All of Hopewell Street is currently scheduled to be open to traffic by June of this year.

As previously noted, the current alignment as proposed, received approval from the Board of Education on September 21, 2016. This road connection is a critical component in the safe and efficient vehicle and pedestrian circulation for this Project, nearby development and the three schools. The connection will provide needed access to and from this development, the recently approved adjacent Oakdale Village residential development, and the nearby schools without traversing Old National Pike.

This connection will ultimately lead into the existing Oakdale Middle and Elementary School campuses providing much needed redundancy during the peak hour traffic demands associated with three schools. The proposed Hopewell (West) connection will also align with the Hopewell (East) connection to Yeagertown Road. This connection will foster greater travel way redundancy in an area with a high amount of residential density, commercial square footage, and County education facilities, thus improving safety and efficiency by not causing the east-west traffic to have to use Old National Pike.

The intersection of Hopewell Street and Yeagertown Road had been assumed to be a full movement intersection when the plan was last conditionally approved by the Planning Commission. Since that time, it has been identified that there is inadequate sight distance due to an over vertical crest to the south on Yeagertown Road, for the left out movement traveling north on Yeagertown Road, as well as for northbound motorists to see the rear of stopped vehicles turning left onto Hopewell. Initially the left out from Hopewell Street will be physically prohibited with a right turn island and stop signs will be placed on the eastbound Hopewell Street and southbound Yeagertown Road approaches. Because this is a non-standard design approach, a more standard intersection improvement would likely be considered if the necessary right of way can be acquired. These improvements, such as a Florida Tee design, would feature a center lane on Yeagertown Road, to facilitate left turns in (decal storage lane) and out (accel merge lane) of Hopewell Street, or keeping the left out from Hopewell Street prohibited and providing a northbound left turn lane on Yeagertown Road. A condition of approval has been added to assure this future improvement, if and when necessary.

Parking. The Applicant is proposing a combination of on-street and on-lot parking to meet the intent of the Zoning Ordinance parking targets while also implementing the policy of counting 50% of garage space toward the required on-lot parking. As provided within the Zoning Ordinance, the Planning Commission may grant an increase or reduction in the number of required parking spaces based on characteristics of the proposed use. The total target number of parking spaces is 2,699: 272 for single family residential, 849.5 for all Multi-family (apartment/condo), and 1,577.5 for townhomes. The Applicant is proposing a total of 3,798 parking spaces throughout the entire Project. Although the revised plan (AP 17198) is proposing a 72 space reduction in the overall number of parking spaces from the previously approved plan (14678), the total parking provided exceeds the target. The Applicant has included a Parking Distribution Plan, which breaks down all of the required and proposed parking for the various units.

The Applicant is requesting several modifications to allow for the following;

1. To allow 2.5 of 1,687.5 target “on-lot” parking spaces of the South Land Bay (including Parcel 1 and 2) to be located “off-lot” within the adjacent parcel and overall land bay area in the form of private parking bays and both public and private streets fronting, or adjacent to the residential units being served. There is a 2.5 parking space deficiency in the overall South Land Bay area, predominately along Eaglehead Drive, this figure excludes the 243 spaces actually provided in garages and driveways not credited per the current policy.
2. To allow 9 of the 465 target “on-lot” parking spaces of the East Land Bay to be located “off-lot” within the adjacent parcel and overall land bay area in the form of private parking bays and both public and private streets fronting, or adjacent to the residential units being served. There are 144 surplus parking spaces in the overall East Land Bay area, and an additional 152 spaces if the spaces actually provided in garages and driveways were fully credited.
3. To allow 79 of the 220 target “on-lot” parking spaces of the North Land Bay to be located “off-lot” within the adjacent parcel and overall land bay area in the form of private parking bays and private streets fronting, or adjacent to the residential units being served. There are 23 surplus parking spaces in the overall North Land Bay area, and an additional 47 spaces if the spaces actually provided in garages and driveways were fully credited.

The parking strategy proposed by the application is consistent with similar communities being marketed and constructed currently in the region. The requested modifications will allow the Applicant to meet the above goals while still providing sufficient overall parking for the Project.

A modification from the required number of on-lot parking spaces per §1-19-6.220 of the Zoning Ordinance was granted by the Planning Commission during the previous approval on January 14, 2015. Based on the proposed street network, diversity in unit type and density. Staff has no objection to the modification request.

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May 10, 2017

Parking Lot Standards Modification.

A modification to reduce the dimensions of a standard parking lot module within the multi-family units in Parcel 1 & 2 from 60 feet to 58 feet to allow a reduction of the drive aisle from 24 feet to 22 feet was granted during the previous approval on January 14, 2015. The modification will enhance the neo-traditional community by reducing the areas of pavement which will provide additional green space as well as increase the amount of landscaping and trees throughout the Project. The reduced pavement will also reduce the stress to the proposed stormwater management facilities, which will reduce operating costs and provide a longer maintenance cycle.

PUBLIC FACILITIES AND UTILITIES--Findings

- **Public Facilities - Road Adequacy/Water and Sewer Facilities §1-16-12; Public Utilities §1-19-3.300.4 (C)** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

The subdivision has direct access to Old National Pike, an existing minor arterial on the County Comprehensive Plan with a paved surface width in excess of 20'. The subdivision will access Old National Pike via the existing Eaglehead Drive which is designated collector on the County Comprehensive Plan and constructed as a 4 lane divided roadway. The proposed subdivision is within the New Market Volunteer Fire/Rescue Company service area. Emergency services would access the subdivision via the existing Old National Pike.

The Linganore Town Center Combined Preliminary/Site Development Plan is subject to the APFO requirements as specified in the APFO LOU for Eaglehead-on-the-Lakes PUD, valid through 2038. The property is to be served by public water and sewer. The current water and sewer classification for the property is W-4/S-4. The site will be served by the New Design Water System and the Ballenger-McKinney Waste Water Treatment Plant for sewage treatment. A water and sewerage classification change (Case #WS-14-22) to W-3/S-3 was approved with Frederick County and MDE on March 10, 2015.

There are no changes to the previously approved Open/Green Space & Recreation Area Exhibit proposed as part of this plan revision.

- **Parks §1-16-111**
Per the PUD regulations, the Project is required to provide a total of 72 acres of open space/green area. Per the subdivision regulations, the Project is required to provide 20.67 acres of parkland. As detailed in the Open/Green Space & Recreation Area Exhibit, the Applicant is meeting this requirement by providing 103.6 acres of open space and 41.2 acres of recreation area. The subdivision regulations require that one half of the parkland recreation area requirement "shall be suitable for dry ground recreational use." The Applicant is providing 108.8 acres of open space, plus over 11 acres of flat, dry ground in open space throughout the proposed development.
- **Library Site:** In accordance with Section 3.5 of the Development Rights and Responsibilities Agreement (DRRA), the Applicant shall make reasonable efforts to work with the County in designing the Town Center so as to accommodate a County public library to be located in the area of the Town Center. Staff and the Applicant have had numerous discussions on potential locations and arrangements for a Town Center public library. Based on meetings between County Planning Staff, County Library Staff, and the Applicant, it has been determined that a library site is desirable. However, the specifics of location, size and ownership will be refined as the Project moves forward toward completion. A memorandum of understanding detailing the size, location, and ownership of the library site between Oakdale Investments and Frederick County was signed in December of 2016. The next step in finalizing the details of the library site will commence during the site plan review process for the 12.8 acre commercial component of the Town Center. Staff will work with the Applicant to obtain a library site that meets the needs of the County, Library Staff, and the requirements of the DRRA.

NATURAL FEATURES—Findings

There are no changes to the previously approved plan in regards to any natural features/environmental impact proposed as part of this plan revision.

□ **Land Requirements §1-16-217(B)**

The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.

The Project respects its orientation around the stream and its large floodplain (flooding soils) and wetland area and enhances these natural systems through Forest Conservation Act mitigation plantings. The proposed development will be well integrated with surrounding land uses and future adjacent uses through complimentary vehicular and pedestrian connectivity.

There are three fingers of NRCS Flooding Soils that run south from the northern tributary. Two of the fingers are Greenville loam 2 to 5 percent slopes (GvB), with the third as Roche loam 3 to 8 percent slopes (RoB).

The three fingers of flooding soils are located in the lowest areas of the site, this creates two principal areas of developable land which is comprised of slight to moderate slopes, with some areas of steep slopes. The two areas of developable land has a topographic elevation range of 430 feet at the far eastern side, to 520 as the land continues west, the abandoned Eaglehead Drive is at 400 feet elevation. The topography of the second developable area continues to rise out of the abandoned road bed to the west to a elevation height of 500 feet, then back down to 380 at the western property boundary.

The Project meets the requirements of the Linganore Watershed Protection Area waterbody buffer provisions.

□ **Floodplain Developments §1-16-220**

The site contains flooding soils and a portion of FEMA floodplain adjacent to the north land bay. These sensitive elements are outside of all lot development areas and are targeted areas for on-site Forest Conservation Act plantings.

□ **Natural features §1-19-3.300.4 (D)**

Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.

The Project site has moderate to steep topographical gradients, but some leveling and grading of the contours is proposed, as is commonplace when converting and preparing land for residential development. The sensitive resources--stream, wetlands and flooding soils--are identified and targeted for protection and enhancement through on-site Forest Conservation Action plantings.

COMMON AREAS--Findings

□ **Common Areas §1-19-3.300.4 (E)**

If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.

There are no changes to the previously approved Recreational Amenities Plan proposed as part of this plan revision.

The Project proposes multiple areas indicated for open space and they are strategically located and placed within the community. Three recreational “tot-lots” are also provided within the open space areas, as well as two proposed pools with clubhouses. Approximately 108-acres will remain undisturbed, planted with vegetation, and comprises the largest open space/common area in the Project. Proposed open space/common areas will be owned and maintained by the community’s homeowners’ association. Recreational amenities will be constructed as the Project moves forward and timed as provided in the Phasing Plan to correspond to development of specific land bays.

Other Applicable Regulations

Moderately Priced Dwelling Units – Chapter 1-6A: Per DRRA Section 4.1, the Applicant is subject the MPDU ordinance and will pay a Payment-in-Lieu amount as required.

Stormwater Management – Chapter 1-15.2: A stormwater management concept plan was approved on August 22, 2014 (AP 14679). A Combined Stormwater Development and Improvement Plan was approved on March 24, 2016 (AP 16089).

APFO – Chapter 1-20: This Combined Preliminary/Final Site Plan is subject to the APFO requirements as specified in the APFO LOU for Eaglehead-on-the-Lakes PUD, valid through 2038.

1. **Schools.** This application proposes 1,185 dwelling units, which is less than the student generation intensity assumed in the LOU, where 1,500 dwelling units were assumed. This Project does not increase the student yield of the original LOU and is exempt from further testing or mitigation.
2. **Water/Sewer.** The property has a current Water and Sewerage Plan classification of W-3/S-3/Dev. APFO approval for water and sewer does not guarantee that plats will be recorded or building permits issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512 *et seq.* and all applicable County policies and regulations.
3. **Roads.** This application proposes 1,185 dwelling units and 200,000 square feet of commercial uses (subject to separate FCPC approval), which is less than the trip generation intensity assumed in the LOU, where 1,500 dwelling units and 200,000 square feet of commercial uses were assumed. This Project does not increase the previously determined trips generated by the density and intensity of the original LOU and is exempt from further testing or mitigation.

Forest Resource – Chapter 1-21:

The Applicant has submitted a Forest Stand Delineation and Preliminary Forest Conservation Plan. The site contains 140.79 acres of existing forest. The Applicant proposes to clear 80.08 acres of forest and place the remaining 60.71 acres of forest into a FRO easement. The 60.71 acres is above the minimum 56.24 acre conservation requirement. In addition, 2.50 acres of forest planting is proposed within the Town Center site. This planting is to mitigate for the proposed release of a 1.25 acre FRO easement on the Oakdale High School site. Additional forest plantings are shown on the FRO plan that will restore certain portions of the waterbody buffer.

The Applicant is proposing to remove 26 specimen tree (trees 30” or greater in diameter). Per 1-21-40 (B) of the FRO, nonhazardous specimen trees must be retained unless a modification is granted by the FcPc. All 26 specimen trees are in poor condition, exhibiting structural defects (cavities, decay, splits, breaks, significant dieback, etc.) and are potentially hazardous. Hazardous trees may be removed without an FcPc modification. The remaining 32 specimen trees will be retained and protected. The Preliminary FRO plan must be approved prior to Preliminary Plan approval, and a Final FRO plan must be approved and the required FRO mitigation must be provided prior to applying for grading permits, building permits, or lot recordation, whichever is applied for first.

A 2006 Reciprocal Access Easement and Cooperation Agreement between Linganore Development Group, Land Stewards, and the Board of Education, their successors and assigns, stipulated that the 19.81 acre FRO mitigation requirement for the construction of Oakdale High School would be provided by the developer "by July 1, 2006, or such later time as may be permitted". The Applicant has agreed to provide the 19.81 acres of FRO mitigation and agreed to the following condition:

"The Applicant shall provide 19.81 acres of FRO easement area within the Lake Linganore region in accordance with the 2006 Reciprocal Access Easement and Cooperation Agreement recorded in the Land Records at L6267 F740. The 19.81 acres of FRO easement area shall be provided prior to the issuance of a grading permit or recordation of any plat on the Oakdale High School property and prior to the recordation of any lot within the Phase 2 portion of the Town center development."

There are no changes to the previously approved FRO Plan proposed as part of this plan revision.

Historic Preservation – Chapter 1-23: No historically significant structures or other resources are present on this site. This Application complies with the DRRA requirements of Section 2.3.G.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval
Development Review Planning:	Hold: Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Approved
Health Dept.	N/A
Office of Life Safety	Approved
DPDR Traffic Engineering	Hold: Address all agency comments as the plan proceeds through to completion.
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Combined Preliminary/Site Development Plan for 1,185 dwelling units on 240.8 acres.

If the Planning Commission conditionally approves the Combined Preliminary Subdivision/Site Development Plan, the Preliminary Plan is valid for the lesser of five (5) years from the date of Planning Commission approval or the period of APFO approval, and the Site Development Plan is valid for a period of three (3) years from the date of Planning Commission approval. Per the most recently approved Letter of Understanding (LOU) the APFO approval is valid until July 11, 2038. Therefore, the Preliminary Plan is valid until May 10, 2022 and the Site Development Plan is valid until May 10, 2020.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following modifications are approved and conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Planning Commission approval of the requested light pole height modifications in accordance with §1-19-6.500.(B).1 of the Zoning Ordinance, to increase the height of the light poles within the proposed median of Eaglehead Drive and Lake Linganore Boulevard from the required 14' feet tall to a proposed 25' feet tall.
3. Planning Commission approval of the requested Parking Space Number and Distribution modification in accordance with §1-19-6.220.B.2.

The Applicant is requesting several modifications to allow for the following;

- a. To allow 2.5 of 1,687.5 target "on-lot" parking spaces of the South Land Bay (including Parcel 1 and 2) to be located "off-lot" within the adjacent parcel and overall land bay area in the form of private parking bays and both public and private streets fronting, or adjacent to the residential units being served. There is a 2.5 parking space deficiency in the overall South Land Bay area, predominately along Eaglehead Drive, this figure excludes the 243 spaces actually provided in garages and driveways not credited per the current policy.
 - b. To allow 9 of the 465 target "on-lot" parking spaces of the East Land Bay to be located "off-lot" within the adjacent parcel and overall land bay area in the form of private parking bays and both public and private streets fronting, or adjacent to the residential units being served. There are 144 surplus parking spaces in the overall East Land Bay area, and an additional 152 spaces if the spaces actually provided in garages and driveways were fully credited.
 - c. To allow 79 of the 220 target "on-lot" parking spaces of the North Land Bay to be located "off-lot" within the adjacent parcel and overall land bay area in the form of private parking bays and private streets fronting, or adjacent to the residential units being served. There are 23 surplus parking spaces in the overall North Land Bay area, and an additional 47 spaces if the spaces actually provided in garages and driveways were fully credited.
4. The proposed 12.8 acre commercial portion of this site as well as the 1.85 acre clubhouse and pool shall be subject to a separate Type I Planning Commission Site Development Plan approval process.
 5. In accordance with Section 3.5 of the Developer's Rights and Responsibilities Agreement (DRRA) between Oakdale Investments, L.L.C and the Board of County Commissioners, the Applicant shall provide a library site within the Linganore Town Center in a size, location, and ownership acceptable to the County. The library site (including size, location and ownership) shall comply with the Memorandum of Understanding dated December 15, 2016 between Oakdale Investments, L.L.C. and Frederick County. The library shall be subject to a separate Type I Site Development Plan approval process.
 10. The Applicant shall develop the subdivision (including roads and amenities construction) in accordance with the phasing plan as included in the Linganore Town Center Combined Preliminary Subdivision/Site Development Plan.
 11. Complete the requirements of the APFO LOU for the Eaglehead-on-the-Lakes PUD.
 12. Work with staff to determine the exact intersection geometry for the intersection of Hopewell Street and Yeargertown Road, as and when deemed necessary by the County, as the Project develops over time.

PLANNING COMMISSION ACTION
MOTION TO APPROVE

I move that the Planning Commission **APPROVE** S-829/SP-07-03 AP 17198 **with conditions and modifications** as listed in the staff report for the proposed revision to the previously approved 1,185 unit Linganore Town Center Planned Unit Development on a 240.8 acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

T. Desa APFO

RODGERS | Knowledge
CONSULTING | Creativity
Enduring Values

April 6, 2017

Mr. Tolson Desa
Frederick County Department of Planning & Permitting
30 N Market Street
Frederick, MD 21701

Re: Linganore Town Center - Combined Preliminary & Site Plan S-829, A/P 17198
FCPC Request for Lighting Height Modification


Dear Mr. ~~Desa~~ *Tolson*:

On behalf of Oakdale Investments LLC, please accept this document as a formal request of the Planning Commission to approve a Modification Request for PUD lighting height for the Linganore Town Center Combined Plan. Per the Zoning Code Section 1-19-10.500.9(D), as part of the Phase II approval, the Planning Commission may approve modifications to parking, loading, street design, landscaping, screening, buffering requirements, and general development standards provided in Section 1-19-10.500.9(A).

As provided for in the above reference section of the Zoning Code, the applicant respectfully requests the Planning Commission to approve a modification to Section 1-19-6.500(B)(1), PUD lighting height from a maximum of 14 feet to 25 feet. The requested modification is to allow the maximum pole height of 25 feet within the median along Eaglehead Drive and Lake Linganore Blvd. The taller mounting height along the 2 major median divided roads within the community will provide the appropriate lighting coverage, and in conjunction with the other programmed landscape and hardscape elements along this corridor help to establish the community identity.

Please do not hesitate to call or email me should you have any questions or require additional information, (301) 948.4700 or rfrey@roddgers.com.

Sincerely,
Rodgers Consulting, Inc.


Randall D. Frey
Team Leader

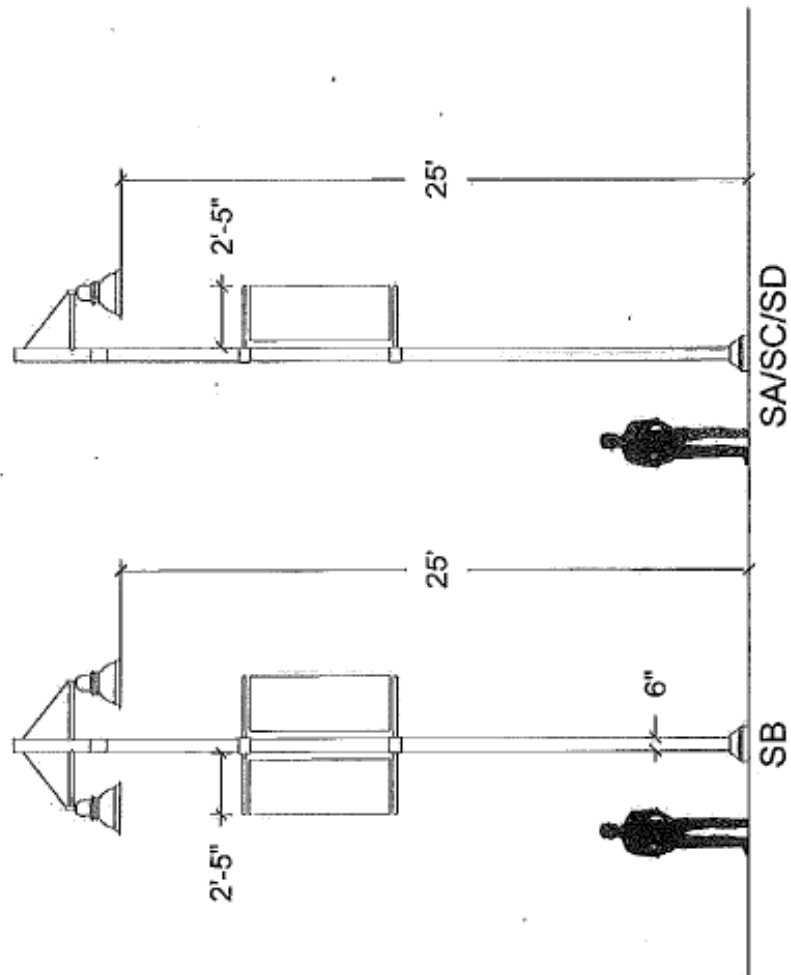
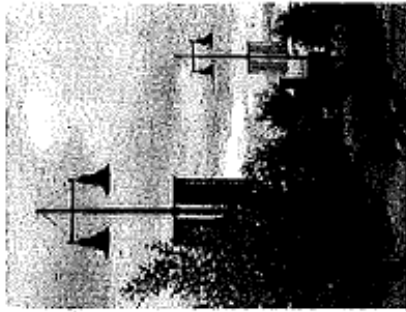
Cc: Jason Willey, Oakdale Investments
Shawna Lemonds, DPP

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